

SENATE CONCURRENT RESOLUTION NO. 31

(By Senators Hall, Boley, Sypolt, Nohe, K. Facemyer, Stollings
and Browning)

Urging the Environmental Protection Agency to change course and
operate in good faith.

Whereas, Policies and current regulations of the federal
Environmental Protection Agency are effectively a "War on Coal" and
manufacturing jobs which will result in fewer jobs in West Virginia
and higher energy prices for not only this state but the entire
nation; and

Whereas, The Obama Administration and the United States
Congress unsuccessfully attempted to pass "Climate Change"
legislation in the 111th Congress; and

Whereas, The Environmental Protection Agency is attempting to
regulate what the President and the Congress could not legislate by
incorporating the core principles of the failed "Climate Change"
legislation into agency rules; and

Whereas, Although a permanent solution to end these job-
killing policies of the Environmental Protection Agency would be
preferred to stop-gap measures, it is important and crucial to
protect West Virginia jobs with the passage of the Capito-McKinley

1 sponsored bill in Congress, which legislation is designed and
2 intended to place a moratorium on the "cap and trade" and
3 greenhouse gas policies and regulations of the current
4 administration in Washington, D. C. through the Environmental
5 Protection Agency and protect America's energy production and
6 prices, together with protecting energy production jobs,
7 manufacturing jobs and coal mining jobs; and

8 Whereas, The Environmental Protection Agency for the first
9 time in more than thirty years "vetoed" a coal mine permit for West
10 Virginia, that had been thoroughly reviewed by the Environmental
11 Protection Agency and other regulators, awarded by the United
12 States Army Corps of Engineers, and put into action by the mining
13 company. The Environmental Protection Agency effectively rewrote
14 the rules to change a previous decision it did not agree with and
15 unilaterally broke the government's promise that jobs could be
16 created and this mine could proceed, retroactively rescinding
17 permit to operate a coal mine; and

18 Whereas, Senator Manchin has introduced a bill in the United
19 States Senate entitled the "EPA Fair Play Act" designed to clarify
20 that the EPA does not have authority under the Clean Water Act to
21 reverse prior approvals of the United States Army Corps of
22 Engineers where a permit has been put through a rigorous regulatory
23 process, including time for thorough review by the Environmental
24 Protection Agency for possible negative environmental consequences,

1 and awarded by the United States Army Corps of Engineers prior to
2 any official objections from the Environmental Protection Agency;
3 therefore, be it

4 *Resolved by the Legislature of West Virginia:*

5 That the Environmental Protection Agency is urged to change
6 course and operate in good faith; and, be it

7 *Further Resolved,* That the Environmental Protection Agency is
8 urged to change course and operate in good faith and be aware that
9 this Legislature supports the "Protect America's Energy and
10 Manufacturing Jobs Act" cosponsored by Representative Shelley Moore
11 Capito and Representative David B. McKinley and the "EPA Fair Play
12 Act" sponsored by Senator Joe Manchin of West Virginia; and, be it

13 *Further Resolved,* That the Clerk of the Senate is hereby
14 directed to forward a copy of this resolution to the President of
15 the United States, the Secretary of the Environmental Protection
16 Agency, the Speaker of the U. S. House of Representatives, the
17 Minority Leader of the U. S. House of Representatives, the members
18 of the West Virginia delegation, the U. S. House of
19 Representatives, the U. S. Senate Majority Leader, the U. S. Senate
20 Minority Leader and the members of the West Virginia delegation of
21 the U. S. Senate.